



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

150 - COURT PROCEDURES

GENERAL ORDER: 2012-13

ISSUED: April 18, 2012

EFFECTIVE: April 18, 2012

ACTION: Amends General Order 2011 - 20 (06/28/2011)

150.00 PURPOSE

The purpose of this Standard Operating Procedure is to familiarize Department members with various court related procedures.

150.05 REVIEW OF CRIMES AND ORDINANCE VIOLATIONS

A. CASES HANDLED BY COURT LIAISON OFFICERS

Court liaison officers shall process selected cases at the initial appearance in the District Attorney's Office. The following cases shall be processed by court liaison officers or the Criminal Investigation Bureau liaison officers:

STATE SUMMARY ARREST CASES

1. All misdemeanors (except firearms related cases)
2. All State Traffic (except Injury by Intoxicated Use of Motor Vehicle and Duty Upon Striking Causing Injury).
3. Fleeing from Officer 346.04
4. Burglary
5. Robbery
6. Felony Theft
7. Any other felony case at the direction of the shift commanders of the Criminal Investigation Bureau.

NON-SUMMARY STATE CASES

1. Battery (misdemeanor only)
2. Criminal Damage to Property (misdemeanor only)
3. Domestic Violence offenses (misdemeanor only) - **NOT HARASSMENT INJUNCTIONS**

Note: A Sensitive Crimes supervisor may authorize his/her personnel to appear at the District Attorney's Office for Domestic Violence order-in cases.

B. CASES HANDLED BY INVESTIGATING MEMBER

The investigating member shall process the following cases at the initial appearance in the District Attorney's Office or with the District's assigned community prosecutor when the case falls within the provisions of 150.05(C)(3).

1. All cases (felony and misdemeanor) when a firearm is recovered as evidence.
2. Complex, unusual, or problematic misdemeanor cases, but only with supervisory pre-authorization.
3. All domestic violence arrests where 2 or more persons are arrested from a single incident.
4. Fourth degree sexual assaults
5. Lewd and lascivious behavior
6. Controlled substance cases (felony only)

C. SUMMARY/NON-SUMMARY PROSECUTION APPEARANCES**1. Summary arrests**

- a. Police members required to present state summary arrest cases for review in the District Attorney's Office shall appear for the review in accordance with the below schedule. In order to meet 48-hour probable cause determination requirements, members shall schedule summary review appearances for the **following day** after the arrest.

APPEARANCE TIMES

LATE SHIFT	8:30 a.m.
DAY SHIFT	8:30 a.m.
EARLY SHIFT	8:30 a.m. or 1:30 p.m.
POWER SHIFT	8:30 a.m. or 1:30 p.m.

- b. Police members with a summary arrest occurring in a District with a community prosecutor **and** the case falls within the provisions of 150.05(C)(3), shall have the case reviewed by the community prosecutor if probable cause determination requirements can be met.

Note: Weekend (Saturday and Sunday) and holiday review of in custody felony and misdemeanor cases by the District Attorney's Office begins at 8:00 a.m., regardless of the member's assignment or shift. At 10:00 a.m., the doors to the D.A.'s office will be locked and late admittance will not be granted. It is highly recommended members arrive as close as possible to 8:00 a.m. to ensure review of the case.

- c. Members are required to sign in and out on both the Department's and District Attorney's sign in boards. Members having multiple cases, even with the same defendant, are required to sign in each case individually.

2. Non-Summary Cases

- a. All non-summary cases are to be processed for initial appearance and review in the District Attorney's Office or with the District's assigned community prosecutor (when the case falls within the provisions of 150.05(C)(3)) by the investigating member as soon as practicable.

NON-SUMMARY APPEARANCE TIMES

LATE SHIFT	8:30 a.m.
DAY SHIFT	8:30 a.m.
EARLY SHIFT	8:30 a.m. or 1:30 p.m.
POWER SHIFT	8:30 a.m. or 1:30 p.m.

Note: Non-summary cases are NOT permitted on Fridays, Saturdays, Sundays, Mondays, on holidays or the day after a holiday. CIB members can schedule "non-summary" cases on any day, Monday through Friday, except holidays. Shift commanders have the authority to disregard this schedule for situations involving exigent circumstances.

- b. Members are required to sign in and out on both the Department's and District Attorney's sign in boards.
- c. Members having multiple cases, even with the same defendant, are required to sign in each case individually.

3. Community Prosecutors

Community prosecutors have a very defined role in District level case review. Accordingly, community prosecutors will only review the following types of cases and only when approved by the shift commander or District commander:

A. Targeted District Initiative Cases

These are cases which are derived from geographically or subject matter specific (i.e. corner store, burglary, prostitution) initiatives. They are cases that a District commander and community prosecutor have defined as a priority for their District.

B. Problematic Defendants (Misdemeanor or Felony Cases)

These are cases in which a defendant (or group of defendants) has been identified by the District commander or community prosecutor as being involved in prior acts of violence, property crime, or nuisance activity and represent an extraordinary drain on the District's resources.

C. Cases Requiring Special Attention

Any case that requires special attention, as determined by the shift commander or District commander.

Note: Cases which fall in one of the above categories should include a full case package, a short supplement articulating the reasoning why the case is appropriate for community prosecutor review, and contact information for the investigating officer. The case package will be held in the Lieutenant's office for review by the community prosecutor. Members will generally not be required to appear for an initial charging conference, however, members may be contacted by the community prosecutor if their appearance is required or if questions concerning the case arise.

4. Report Required

All members (including court liaison officers) presenting cases for review with the District Attorney's Office or a Community Prosecutor must file a brief supplemental report at the conclusion of the review. This shall include warrant requests. The supplemental report shall include the following information:

- The date and time of the review;
- The reviewing District Attorney, and
- The case disposition (e.g., No processed, Pended, Charged)

Note: For instances when a case is "No Processed", document the reason for the "No Process" decision in the report. For charged cases, document the specific charge(s) issued for each suspect and incident reviewed. An additional supplemental report is required for any subsequent appearance for the same case.

5. Disposition Entry Into Case Track

Case Track was implemented in February 2011 as a means to keep better track of cases presented for prosecution through the District Attorney's Office or a Community Prosecutor. The link to Case Track can be found on the Department's Intranet home page under favorite links or by [clicking here](#). An online tutorial for Case Track is available on the MPD Video server

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- A. In addition to the requirements of Subsection 4, any member presenting a case for criminal charges at the District Attorney's office or with a Community Prosecutor is required to enter the charging conference disposition into Case Track.

- B. Members appearing on overtime are required to complete their on-line overtime card, ARS Supplemental Report, and Case Track entry, prior to securing from Court Administration after review at the District Attorney's Office or from the District when appearing before a Community Prosecutor.

150.10 GUIDELINES

These guidelines are for referrals by the Milwaukee Police Department. As to non-felony violations, these guidelines do not limit the charging discretion by the City Attorney's Office or the District Attorney's Office.

- A. If the City Attorney believes that an offense should be reviewed by the District Attorney, then the City Attorney should refer the case to the District Attorney. Grounds for such referrals include the defendant's criminal and ordinance violation record and the aggravated nature of an offense(s).
- B. If the District Attorney believes that municipal prosecution would be more appropriate than the issuance of a criminal charge, then the District Attorney should refer the case to the City Attorney.
- C. Ordinance violations for which there is no statutory counterpart shall be referred to the City Attorney's Office.
- D. The District Attorney's Office will review statutory violations for which there is no ordinance counterpart.

1. Probation, Parole or Extended Supervision

Persons who are on probation, parole, or extended supervision shall be referred to the District Attorney's Office for any material violation of state law.

2. Battery

Non-Domestic Violence cases shall be referred to the City Attorney's Office, except cases in which the victim is over 62 or under 18, cases in which the victim suffers serious bodily injury and cases where the victim is pregnant shall be referred to the District Attorney's Office.

3. Criminal Damage to Property

Cases shall be referred to the City Attorney's Office where the value of the property is less than \$500 on an aggregate basis and to the District Attorney's Office for amounts greater than \$500.

4. Disorderly Conduct

Cases which are sex related, cases in which the defendant possesses a gun or menaces another with a weapon, cases in which a defendant threatens witnesses, and cases in which the defendant commits other acts which involve a serious threat to another person, or as determined by the shift commander or a higher authority, shall be referred to the District Attorney's Office.

5. Domestic Violence

Cases involving domestic violence shall be referred to the District Attorney's Office, including those that involve allegations other than battery such as disorderly conduct, criminal damage to property, et al. The victim shall **not** normally be ordered into the District Attorney's Office for in custody or non-custody Domestic Violence cases.

6. Resisting an Officer

Cases shall be referred to the District Attorney's Office except those cases, which are deemed minor by the shift commander.

7. Obstructing an Officer

Cases in which a defendant gives a false name or false information to an officer shall be referred to the District Attorney's Office with the permission of the shift commander. One of the factors the shift commander shall consider in determining whether an offense is an ordinance violation as opposed to a criminal violation is the imposition of the obstructing on the officer's time.

8. Contributing to the Delinquency of a Minor

Cases involving neglect, physical abuse, or death of a child shall be referred to the District Attorney's Office.

9. Carrying a Concealed Weapon

Cases in which the defendant possesses a firearm or a switchblade knife, and cases in which the defendant uses a weapon in the commission of another crime, shall be referred to the District Attorney's Office.

10. Filing a False Fire Alarm

The first offense shall be referred to the City Attorney's Office. If the defendant has convictions for this offense, the case shall be referred to the District Attorney's Office.

11. Fireworks Violations

Fireworks (as defined by city ordinance) cases shall be referred to the City Attorney's Office, except for those cases in which the defendant injures a person by using fireworks or those cases in which a defendant violates a court order issued pursuant to Wis. ss. 167.10(8)(a) or at the discretion of the shift commander.

12. Graffiti

Graffiti cases in which there is more than \$500 in damage or which meets the guidelines set forth in ss. 943.017 shall be referred to the District Attorney's Office as determined by the shift commander.

13. Gambling Machines

Cases involving more than one machine shall be referred to the District Attorney's Office. All other cases shall be referred to the City Attorney's Office.

14. Theft and Retail Theft

Theft and retail theft cases where the value of the stolen property is greater than \$500, the defendant is on probation, parole or extended supervision, or the defendant has 2 or more prior retail theft/theft convictions in the last 5 years the offense shall be referred to the District Attorney's Office.

15. Possession of Marijuana

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under the following circumstances, possession of any quantity of marijuana shall be considered a violation of state statutes and processed through the District Attorney's Office.

1. Previous arrest and/or conviction for Possession of Marijuana, either as a violation of municipal ordinance or state statute.
2. Previous arrest and/or conviction for any other violations of the Uniform Controlled Substances Act, as set forth in Wisconsin State Statute 961.
3. Previous conviction for any felony.
4. Previous conviction for any misdemeanor crime involving violence (e.g., battery-domestic violence).
5. Persons on probation or parole.

Note: If there is any question, a Narcotics supervisor should be contacted for a final determination of a city or state case. Also see SOP 760 Controlled Substances for additional information concerning this subject.

150.15 REPORTS REQUIRED FOR REVIEW

- A. All reports for order-in cases must be in the Court Administration liaison officer's office at least one day prior to the order-in date. All order-in reports shall be delivered directly to Court Administration using the order-in envelopes, via the PPS wagons. If time is short, these packages may be hand-delivered to Court Administration.

B. STATE SUMMARY ARREST

The investigating member shall be responsible for filing all the appropriate reports for state summary cases that will be handled by the court liaison officers. All reports required for the District Attorney's charging review shall be conveyed with the prisoner to the Criminal Justice Facility in the following manner:

1. In the Department issued large clear zip-lock plastic bag:
 - a. Original *Arrest Detention Report* (Form PA-45).
 - b. Copy of the PA-45.
 - c. Original *WI Probable Cause Statement* (Form CR-215).
 - d. Copy of Form CR-215.
 - e. Confirmations sheets for all warrants, capiases and commitments listed on the PA-45.
 - f. Original **summary** citations (Reference SOP 070 for additional information on citations).
2. Investigating members shall refer to the *State Summary Arrest Package Envelope* (Form PE-39) or *Domestic Violence Review Package* (Form PD-34) to determine which Milwaukee Police Department reports are required for the District Attorneys charging review.

Note: Any additional reports requested by the District Attorney, magistrate, judge, etc. may be referred to the investigating members' respective shift commander unless such request can be fulfilled by Court Administration staff.

C. PRISONERS CONVEYED PRIOR TO COMPLETION OF REPORTS

When a prisoner's behavior dictates that he/she must be conveyed to the Criminal Justice Facility before the completion of all required reports, the member will be required to have the following forms completed and approved by a supervisor, prior to the prisoner to be accepted at the Criminal Justice Facility.

1. The **original** and a copy of the PA-45 shall accompany the prisoner.
2. The **original** and a copy of form CR-215.
3. A confirmation sheet for all warrants, capiases, and commitments listed on the PA-45 shall accompany the prisoner.
4. Immediately after completion and review of the remaining reports, they shall be conveyed to the Criminal Justice Facility and Court Administration shall be notified at REDACTED indicating the remaining paperwork is forthcoming.

D. ORDER-IN CASES

The investigating member shall refer to the *Order in Package Envelope* (Form PE-45) or the *Domestic Violence Review Package* (Form PD-34) to determine which Milwaukee Police Department reports are required for the District Attorneys charging review.

E. REQUIRED DISTRICT ATTORNEY WORKSHEETS FOR STATE CASES

All state cases (summary and non-summary) which are referred to the District Attorney's Office downtown or to a district community prosecutor must have the following forms completed in their entirety before a case will be reviewed.

1. D.A. Complaint Worksheet / Referral
2. D.A. Referral from Law Enforcement – Referral Packet Checklist (Form 900)
3. D.A. Victim/Witness Data Sheet (Form 4983)
 - a. Members are to ensure the "*Victim/Witness Data Sheet*" is filled out in its entirety and all witness types are properly identified. **Only one (1) member witness is to be designated as "primary"**.
 - b. Supervisors responsible for reviewing the "*Victim/Witness Data Sheet*" are to ensure each member witness is properly categorized and **only witnesses vital to the case are listed**. Supervisors must evaluate the need for a member to be listed as a witness. Members listed but found not material to the case are to be removed from the "*Victim/Witness Data Sheet*" by the supervisor.
 - c. The reviewing supervisor will affix the work location's stamp and provide their signature directly below the last member witness. The stamp and signature will serve as evidence the "*Victim/Witness Data Sheet*" has been reviewed and approved by the supervisor.

- d. The District Attorney's Office will make the final determination as to which witnesses will be required to appear for testimony by the issuance of a subpoena.

150.20 SUBPOENA-RELATED PROCEDURES

A. CITY ATTORNEY, DISTRICT ATTORNEY AND DEPARTMENT OF CORRECTIONS SUBPOENAS

The following procedures shall apply to the receipt of subpoenas issued by the Office of the Milwaukee City Attorney, the Office of the Milwaukee County District Attorney, and the State of Wisconsin Department of Corrections:

1. When such a subpoena is received, it shall be time-stamped as soon as practicable, and logged onto the *Daily Log of Subpoenas* (Form PD-29).
2. A supervisor shall present the subpoena to the member named thereon during the member's next tour of duty. If that member is on an extended leave, a supervisor shall either contact the member via telephone, or deliver the subpoena to the member at his/her home, and inform the member of the information contained on the subpoena.
3. A supervisor shall record the fact that the subpoena was presented to the member in a manner consistent with No. 2, above, on the *Daily Log of Subpoenas* (Form PD-29).

B. SUBPOENAS ISSUED IN A CIVIL CASE

1. If a process server appears at a member's location to serve him/her with a subpoena regarding a civil case, wherein the member is not a named party, but which relates to actions taken by that member in furtherance of his/her official duties, that member shall not avoid service.
2. If a member is formally on duty and available, he/she shall be directed to respond to the location of the process server and accept service of the subpoena.
3. If a member is formally on duty, but unavailable, or if a member is not on duty, the process server shall be advised of the date, time and location of when/where the member will next return to duty, so the process server can return to that location and at that time to serve the subpoena.

4. As soon as practicable after a member is served with a subpoena in a civil case, as described in No. 1, above, whether that subpoena orders a court appearance or an appearance at a deposition, the member shall inform Civil Litigations of Internal Affairs of such service. A representative of Civil Litigations shall then immediately contact the designated representative of the Office of the Milwaukee City Attorney, so that the circumstances surrounding the service of the subpoena and the underlying case can be properly investigated, prior to the member appearing in court or at a deposition in response to the subpoena.
5. No member shall make a court or deposition appearance in response to a subpoena regarding a civil case, without first contacting Civil Litigations, as described in No. 4, above, and also without subsequently receiving approval to make such an appearance in compliance with the subpoena by either a representative of Civil Litigations, or by a representative of the Office of the Milwaukee City Attorney.

C. TELETYPE SUBPOENAS

1. If a teletype subpoena is received, it shall be the responsibility of the console operator to present the subpoena to a supervisor, for both logging into the Daily Log of Subpoenas, and prompt delivery to the member named on the subpoena, consistent with subsection A, in this section.

150.25 COURT ADJOURNMENT PROCEDURES

A. COURT CASE ADJOURNMENT REQUEST REPORT

Members may request an adjournment of a Milwaukee County Circuit Court or a City of Milwaukee Municipal Court case for which they have received a subpoena, by submitting a *Court Case Adjournment Request* (Form PC-13) to their shift commander at least seven days prior to the date of the subpoenaed appearance, barring any exigent circumstances.

B. REASONS FOR COURT ADJOURNMENT REQUEST

The following are considered valid reasons for requesting a court adjournment:

1. Duty injury leave (non-ambulatory);
2. Regularly scheduled vacation;
3. Sick leave (non-ambulatory);
4. Regular off day (Municipal Court only); and
5. A special circumstance not indicated above, with the approval of the requesting member's shift commander.

Note: In those cases where a member on duty injury leave has ambulatory privileges, he/she is required to honor the subpoena. Members appearing in court while on duty injury leave shall wear civilian business attire.

C. SHIFT COMMANDER'S RESPONSIBILITIES

1. The shift commander shall review the *Court Case Adjournment Request* (Form PC-13) to determine the validity of the request for adjournment. If the shift commander determines that the request is valid, he/she shall fax or forward a copy of the report to Court Administration.
2. If the request for adjournment is denied at the District/bureau level, the shift commander shall indicate the reason for denial on the report. The shift commander shall also notify the member of the denial, and the report shall be filed in the requesting member's work location personnel file.
3. Exceptions to the above-noted reasons for requesting a court adjournment may be determined by the reviewing shift commander, when there are no readily available alternatives for the requesting member.

D. ADJOURNMENT CONFIRMATION

The acceptance of a *Court Case Adjournment Request* (Form PC-13) by a shift commander is not confirmation of an approval of the request.

1. In Milwaukee County Circuit Court matters, the member will either receive a "recall" subpoena, or be contacted by the prosecuting attorney who has approved the request, for confirmation that the adjournment request has been approved. **Absent a "Recall" or other notice excusing a member's attendance in court, members MUST honor their subpoenas.**
2. The City of Milwaukee Municipal Court generally honors adjournment requests. No recall subpoena will be issued by that court. However, if the adjournment request cannot be honored, the member will be contacted by court staff.

E. EMERGENCIES OR SICK CALLS

If an emergency situation arises or a member becomes sick and is medically unable to honor a subpoena on the date of the subpoenaed court appearance, that member shall immediately contact the "on-duty" shift commander at their work location and advise the commander of their emergency situation. The shift commander may then authorize the member to contact the Court Administration supervisor directly. As soon as practicable, the Court Administration supervisor shall make the appropriate notification to Municipal or Circuit Court staff.

150.30 COURT APPEARANCE PROCEDURES

1. Members shall honor all properly served subpoenas for court appearances and quasi-judicial hearings.
2. Members with a case being prosecuted in any court, or when a party or witness in a case, are to be punctual in court attendance, prepared to testify, and have with them all property which is to be used as evidence during trial, as directed by the attorney who commanded their court appearance.
3. Members are expected to be attentive and respectful toward judges, magistrates, commissioners and any quasi-judicial board or commission they appear before.
4. Members required to testify under oath shall do so with accuracy and civility, and they shall remain impartial regardless of whether such testimony is given under direct or cross examination.
5. Members shall not place themselves "On Call," or request that they be placed "On Call." The attorney commanding their court appearance may release members after they have appeared in court, and it is determined that their testimony is not needed.
6. Day shift members who are not on overtime may be placed "On Call" by the attorney commanding their court appearance.
7. Any and all witness fees paid to any member of the Department for a court appearance, where the information or knowledge testified to or sought to be elicited was acquired by said member while in the performance of his/her official duties, shall immediately be deposited into his/her District station cash register for transmittal to the City Treasurer. The member receiving fees must also file a Departmental Memorandum (PM-9E), which documents the appearance date, the amount of the check received, and the court case number. The memo should accompany the daily paperwork submitted by specified District personnel to the Budget and Finance Office.
8. Members are prohibited from providing testimony as "*expert witnesses*" while representing the City of Milwaukee or the Milwaukee Police Department in court, quasi-judicial hearings, Fire and Police Commission hearings, depositions, or any other proceeding, when such testimony is intended to be used against the City of Milwaukee, the Milwaukee Police Department, or department members.

The City of Milwaukee considers Department members to be acting as representatives of the City and/or police Department in the following circumstances:

- a. Whenever they are compensated by the City of Milwaukee for working during either their regular duty hours or on overtime; and/or
- b. 1.) When wearing a Milwaukee Police Department uniform, or

- 2.) When displaying a Department badge, identification card, patch or any other replica of such Department insignia or device, or
- 3.) When verbally identifying themselves as a member of the Department.

Note: In the event of severe weather conditions (i.e. snowstorms) on days when court would normally be in session, members with scheduled court appearances are highly encouraged to call Court Administration staff at Extension 7520 to determine if court will be or is in session. Members appearing in court on days when severe weather conditions are present and court has been cancelled run the risk of not being paid for their court appearances.

150.35 DUCES TECUM SUBPOENAS

Any member who receives a *Duces Tecum* subpoena requiring them to provide any Department record other than their personal memorandum book shall consult with their commanding officer. In the event that the commanding officer has a question or concern regarding the appropriate response to a *Duces Tecum* subpoena, the commanding officer shall consult with Internal Affairs for guidance. Records provided in response to the subpoena must first be reviewed by the member's commanding officer and approval shall be obtained from the Chief of Police or designee.

150.40 ARREST AND ACCEPTANCE OF BAIL FOR OTHER JURISDICTIONS

A. WANTED CHECKS

All Districts and Bureaus with TIME system access shall conduct "wanted checks" for members requesting them. The member conducting the "wanted check" shall record that information on the *Information Services and Identification Inquires form* (Form PI-13), which shall be retained according to the retention schedule.

B. CONFIRMATION OF "HIT"

Upon receiving a NCIC/CIB "HIT" that a person is wanted by an outside jurisdiction, the District or Bureau shall process this "HIT" in accordance with the following:

1. Confirmation by the Criminal Investigation Bureau

The Criminal Investigation Bureau (CIB) shall make "HIT" confirmation when the person is wanted on a felony charge or for any charge by a jurisdiction outside of the State of Wisconsin.

2. Confirmation by District or Bureau

The District or Bureau shall make "HIT" confirmation if the hit is not a "felony want" and the person is wanted within the State of Wisconsin. A copy of the

confirmation and related teletypes shall be faxed to the CIB.

C. DISTRICT OR BUREAU RESPONSIBILITIES

1. Attempt to confirm with the officer before making "HIT" confirmation as to whether or not the person has the ability to post any acceptable bail amount, plus an \$11 service fee by cash, Mastercard/Visa, money order or traveler's check. No personal checks shall be accepted.
2. Do not confirm the "HIT" unless the person is actually in custody.
3. Teletype the jurisdiction to confirm the "HIT" and request that jurisdiction to send a return teletype message verifying the "WANT" with the below information as applicable:
 - a. If bail is acceptable, the amount of bail, the court date and the address to which the bail should be sent.
 - b. In lieu of bail, an inability to post bail or if the jurisdiction elects to pick up the prisoner at the District station or PPS, that jurisdiction shall confirm that the conveyance will be made within four (4) hours.
 - c. If another jurisdiction's response will take more than four (4) hours, the prisoner shall be conveyed to the Criminal Justice Facility (CJF).

D. PROCESSING BAIL AT A DEPARTMENT FACILITY

1. Bail Payment

Bail may be accepted for an outside jurisdiction, providing the prisoner has cash, money order, traveler's checks or Mastercard/Visa to present for payment. Personal checks are not acceptable.

2. Service Fee

In addition to the bail amount, the prisoner must pay a service fee of \$11 for processing the warrant or writ for the outside jurisdiction.

3. Validate Teletype

After receiving the teletype from the outside jurisdiction confirming that a bail amount can be accepted, the District will validate this teletype through the cash register upon acceptance of the bail amount plus the service fee. The bail amount would be disbursed on the *Daily Departmental Report-Cash Receipts* (Form PD-5) listed as "Bail for Other Jurisdiction". The service fee also is to be listed on the PD-5 as "Bail Service Fees".

4. Separate Form Needed

Transactions collected for outside jurisdictions must also be listed on a separate Cash Disbursement Report (Form PC-19). The PC-19, with validated teletype(s) attached, must be sent to Office of the Chief-Budget and Finance daily, along with cash forms now being remitted, Form PD-5, *Cash Disbursement to Municipal Court-Summary* (Form PC-19A) and bank deposit ticket.

5. Teletype To Be Sent

Upon collection of bail or an arrest for an outside jurisdiction, a teletype message is to be sent to that jurisdiction (to terminal indicated on "HIT" message) and our Criminal Investigation Bureau terminal (MWRPD) as per sample below:

FFIN PACS II FREE-FORM MESSAGE INPUT SCREEN

SAMPLE MESSAGE:

TO: _____MWRPD

RE: YOUR MESSAGE (DATE/TIME) FOR (NAME/DOB)
BE ADVISED THAT THE ABOVE SUBJECT IS IN OUR CUSTODY.

- () BAIL HAS BEEN ACCEPTED ON YOUR CHARGE(S) \$____ WILL BE SENT BY U.S. MAIL THE NEXT BUSINESS DAY.
- () SUBJECT RELEASED ON BAIL AND ORDERED TO YOUR JURISDICTION ON (DAY, DATE, TIME) FOR COURT APPEARANCE.
- () HELD ON LOCAL CHARGES, WILL ADVISE WHEN AVAILABLE.
- () UNABLE TO POST BAIL, READY FOR IMMEDIATE PICK UP AT (DISTRICT ADDRESS). IF UNABLE TO MAKE PICK UP WITHIN A FOUR (4) HOUR PERIOD, SUBJECT WILL BE TRANSFERED TO THE MILWAUKEE COUNTY CRIMINAL JUSTICE FACILITY (CJF), 949 N 9TH ST, MILWAUKEE, WI 53233

6. Persons Unable to Post Bail and Being Picked Up By Another Jurisdiction

- a. Persons may be held at the District station for pick up by another jurisdiction (not more than 4 hours) and the Arrest Detention Report, On-line Booking and the Daily Arrest List (when applicable) shall indicate the name of the jurisdiction and officer that picks up the prisoner. The Arrest Detention Report shall be signed by the officer of the receiving jurisdiction indicating the date and time that the person was turned over to his or her custody.

- b. If an outside jurisdiction is unable to respond within 4 hours, the arrestee shall be transferred to CJF and On-line Booking and the Daily Arrest List (when applicable) shall be updated.

150.45 BAIL FOR STATE WARRANTS

- A. All state warrants shall be confirmed with the ORI jurisdiction listed on the warrant "Hit." Instructions regarding bail, if available, or personal recognizance (PR) is noted on the confirmation and shall be followed. **All jurisdictions**, except the Milwaukee County Sheriff's Office (MCSO), require teletype confirmation. For MCSO warrants confirmation is authorized via telephone and the information shall be noted on the "Hit Sheet."
- B. For out-of-jurisdiction warrants, the \$11 surcharge shall be added to the bail amount. Bail may be accepted only in accordance with the following:
 1. Cash, money order, or traveler's checks may be accepted as equivalent to cash if the traveler's checks are endorsed in the presence of the person taking the bail.
 2. MasterCard or Visa charge cards. **All** credit card bails must have an authorization number to determine if the card has been reported stolen or the credit limit has been exceeded.

Note: No personal or payroll checks may be accepted for bail.

150.50 RELEASE ON PERSONAL RECOGNIZANCE FOR OTHER WISCONSIN JURISDICTIONS

The following procedure cannot be used for State criminal charges:

- A. Persons who are wanted by a jurisdiction **within** the State of Wisconsin (on their local, municipal/civil charges) and no Milwaukee Police Department charge(s) shall be processed as follows:
 1. Upon notification that the individual is being held and is ready for release to their custody, that jurisdiction shall send a preprinted recognizance form via teletype to the work location where the person is being held.
 2. The form is to be signed by the arrestee in the presence of a police member who shall countersign the form.
 3. Following the signing of the recognizance form, two copies are to be made. One copy shall be given to the offender; the second copy is to be retained at that work location.
 4. The District/Bureau will then immediately confirm by teletype that the individual did, in fact, sign the recognizance. This will enable that jurisdiction to remove

their warrant from the NCIC/CIB warrant system.

5. The teletype copy is to be retained in conformity with the existing retention for Personal Recognizance forms.
4. The **original** signed recognizance form shall be forwarded to the jurisdiction concerned via the United States mail.

150.55 ADULTS ARRESTED FOR MUNICIPAL WRITS

A. TYPES OF MUNICIPAL WRITS

1. Municipal Warrants and Municipal Traffic Warrants

Issued for a defendant who failed to appear on a scheduled court date.

2. Municipal Bench Warrants

Issued for a defendant against whom a judgment has been entered, but whom the court has been unable to locate for service of the default judgment notice. It is used only where a commitment was ordered as an alternative for nonpayment of a fine.

3. Municipal Arrest Warrants

Issued for a defendant after the judgment has been entered and the defendant failed to pay. It is used only where a commitment was ordered as an alternative for nonpayment of a fine.

4. Municipal Commitments

Issued for a defendant after a judgment has been entered, with jail as an alternative sentence. The defendant failed to pay and a determination has been made that the defendant has the ability to pay the fine. Also, the defendant has failed to appear for an indigency hearing or the court has made a determination that the defendant failed to comply with another alternative imposed by the court.

B. CONVEYANCE REQUIRED

Officers shall convey adult persons arrested on Municipal Writs to a District station or PPS for processing in accordance with SOP100 - Booking Procedures. When a release on personal recognizance (PR) is authorized by the shift commander, a *Cash Bail/Personal Recognizance Bond* (Form MC-656E) shall be completed.

C. CASH BAIL/PERSONAL RECOGNIZANCE BOND FORM (MC-656E)

With shift commander approval, a City of Milwaukee Municipal Court Form MC-656E (located on the Department's forms drive) shall be used whenever a person is arrested on a Municipal Writ or summarily arrested and then released on his/her own personal recognizance (PR) or pays cash bail. A **separate** form is required for each warrant/charge. The form must be filled out in its entirety then photocopied and a copy of the form given to the defendant.

D. PROCESSING ADULT MUNICIPAL WRIT ARRESTS

1. Members, upon determining an open Municipal writ in the system, shall have their District/Bureau personnel print a copy of the Municipal writ.
2. The member will serve the Municipal writ by signing his/her name and employee number on the warrant and provide a copy of the served warrant to the defendant. Once the writ is served, the District/Bureau will immediately enter the disposition in the system.
3. When the person arrested for a Municipal writ has an additional charge(s) that requires him/her to be transported to CJF, a signed copy of the Municipal writ **shall** be included with the arrest package.
4. When the person arrested for a Municipal writ (**not a "Commitment" or "Cash Bail Only Warrant"**) has no other charges, he/she shall be permitted to be released upon his/her personal recognizance. The original copy of the *Cash Bail/Personal Recognizance Bond* (Form MC-656E) shall have the served writ attached to it, and shall be forwarded to Court Administration. Court Administration shall be responsible for returning the original Form MC-656E and the served Municipal writ to the Milwaukee Municipal Court.
5. The desk sergeant or designee shall obtain a computer printout of the local warrant file and validate all PR formats through the cash register.
6. At the time of the cash register close out, the desk sergeant shall record municipal Writ transactions by category, alphabetically by last name first, the Municipal Court case numbers or warrant numbers and the amounts remitted on the *Cash Disbursement Report* (Form PC-19). The transactions shall be totaled under each category on the *Summary of Cash Disbursements to Municipal Court* (Form PC-19A). The *Cash Disbursement Report*, one validated signed PR format from each PR transaction and all corresponding validated computer printouts of the Municipal Writs shall be forwarded via Department mail to the Municipal Court (Cash and PR transactions shall be listed on separate *Cash Disbursement Reports*).

E. CASH BAIL ONLY PROVISION

1. Personal Recognizance does not apply to Municipal Writs where the issuing judge has ordered a "Cash Bail Only" provision.
2. District/Bureau personnel will advise if a "Cash Bail Only" provision is noted in the warrant information printout.
3. A person arrested on a warrant with a "Cash Bail Only" provision must either post bail or be transported to CJF for a court appearance. However, in extraordinary circumstances, i.e. hospitalization of the person, shift commanders have the authority to release the person on a personal recognizance bond. Bail includes cash, Mastercard/Visa, money order, and traveler's checks. No personal checks shall be accepted.

F. COMMITMENTS

1. Individuals arrested on commitments stamped as follows must pay the listed bail or be transported to the Criminal Justice Facility. They shall **not** be released from custody on personal recognizance (PR).
 - a. "Judicial Determination Made that Defendant Has the Ability to Pay"
 - b. "Defendant Personally Notified and Failed to Attend Indigency Hearing"
 - c. "Judicial Determination Based Not Solely on Defendant's Ability to Pay"
2. Commitments may be satisfied by cash, Mastercard/Visa, money order or traveler's check. No personal checks shall be accepted.
3. Persons not satisfying the commitment shall, after processing, be conveyed to the Criminal Justice Facility. The arresting/conveying officer shall notify their District/Bureau who shall fax two copies of the commitment to CJF.

150.60 DETAINERS

On weekdays, during normal business hours, CIB warrant squad personnel shall be responsible for placing detainers with surrounding jurisdictions against persons held on Municipal Writs. They shall also place detainers with outside jurisdictions within the state against persons held on **felony** warrants. After hours and weekend detainer placements will be handled by the CIB-teletype desk.



EDWARD A. FLYNN
CHIEF OF POLICE